

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 6-35 are currently pending. Claims 18-35 have been added by the present amendment. The additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 6-9 and 14-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Plakosh et al. (U.S. Patent No. 5,657,431, hereinafter Plakosh).

Applicant acknowledges with appreciation the allowance of Claims 10-13.

Before considering the outstanding anticipation rejection of Claims 6-9 and 14-17, it is believed that a brief review of the present invention would be helpful. In this regard, independent Claim 6 is believed to be illustrative and requires a digital image forming apparatus that includes a store that holds a plurality of data in a particular stored order. A selection device is provided to select an arbitrary desired data order for the plurality of data in the store without regard to the particular stored order. A linking controller is then provided to link the plurality of data from the store into the arbitrary desired data order selected by the selection device to form a data group for performing an operation. An operation controller receives the data group from the linking controller and controls performance of the operation using the data in the data group in the arbitrary desired data order selected by the selection input device. Independent Claim 14 includes similar limitations set forth as method steps.

The rejection of Claims 6-9 and 14-17 under 35 U.S.C. § 102(b) as being anticipated by Plakosh fails to consider all the limitations of independent Claims 6 and 14 that are outlined above. In this respect, independent Claim 6 includes a recitation of: a store configured to store a plurality of data in a stored order; and a selection device configured to

select an arbitrary desired data order for the plurality of data in the store without regard to the stored order. Independent Claim 14 includes similar recitations of: selecting an arbitrary desired operation order for the plurality of data without regard to the storage order; and linking the plurality of data into the arbitrary desired operation order selected in the selecting step to form a data group for performing an operation.

Even though the recitation of the “arbitrary desired . . . order” (emphasis added) appears in both independent Claim 6 and independent Claim 14 along with the requirement “without regard to the stored (storage in Claim 14) order” (emphasis added), the analysis at page 2 of the outstanding Action appears to mistakenly interpret these claim requirements by suggesting that a “DMA in imager 20” could “select an arbitrary desired data order,” noting col. 3, lines 27-32, of Plakosh. However, while this suggested direct memory access (DMA) will result in image data being transferred directly from the memory 10 to the imager 20, it is not clear how the PTO is suggesting that this image data can be interpreted to have the claimed “arbitrary” order based upon the disclosure at col. 3, lines 27-32 of Plakosh. In addition, even if the standard and well accepted meaning of “arbitrary” is to be ignored, the further requirement of Claims 6 and 14 for an “arbitrary desired . . . order” (emphasis added) selected “without regard to the stored (storage in Claim 14) order” (emphasis added) cannot be ignored.

Turning first to the requirement for an “arbitrary” order, it is clear that “arbitrary” has the plain meaning of not being determined by a set rule or law. See the 2nd college edition of The American Heritage Dictionary at page 124, for example. Col. 3, lines 27-32, of Plakosh does not teach or suggest that data can be selected from memory 10 in any such “arbitrary” order. In this regard, the description presented at col. 3, lines 35-42 of Plakosh describes the image data for each page image to be printed as being “retained at a set of contiguous addresses within real or virtual memory, and further is retained in a particular [emphasis

added] order, so that when the image data is transferred from the memory 10, the downloading of the image data will be coordinated with the operation of the imager 20 over time, so that a coherent image based on the image data is created on the sheet.” Clearly, data having this described “particular” order cannot be reasonably be said to be data with an “arbitrary” order.

While it is well established that the PTO is to give claim language its broadest “reasonable” interpretation, this does not mean that the PTO can completely ignore the understanding that the artisan would have of the word “arbitrary” as it is used in the claims and specification. *See In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ 2d 1464, 1467 (Fed. Cir. 1999) (“Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one those skilled in the art would reach.”) and *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976) (“[C]laims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their ‘broadest *reasonable* interpretation.’”) . Clearly, there is nothing taught or suggested as to any data transfer being in an “arbitrary” order relative to the direct access of data from memory 10 by the imager 20 of Plakosh.

Besides there being no data selection in any “arbitrary” order taught or suggested at col. 3, lines 27-32, of Plakosh, there is no suggestion here or elsewhere in Plakosh of data selection from a store “without regard to the stored (storage in Claim 14) order” (emphasis added). Instead, the description of standard DMA transfer from memory 10 to imager 20 that is presented discloses that the image data transferred to the imager 20 will be sheet image data that has the above-noted “particular” order relative to the above-noted set of contiguous addresses within the memory. Thus, the PTO has not properly considered the words “without regard to the stored (storage in Claim 14) order” as being a further limitation on the recital in the independent claims of “an arbitrary” order, even though it is well established that each

word of every claim must be given consideration. *See In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

In addition, the outstanding Action appears to mistakenly interpret controller 30 of Plakosh as somehow linking data selected by DMA associated with imager 20 into the required “arbitrary” order. However, col. 4, lines 43-48 of Plakosh clearly teach that the element that is performing the “direct memory access” (DMA) in FIG. 1 is the print controller 30, with no direct memory access (DMA) being provided by the imager 20 acting alone. Thus, when controller 30 is present it performs the direct memory access (DMA) access of memory 10, and there is no teaching or suggestion of any cooperation between controller 30 and DMA by imager 20. See col. 3, line 66-col. 4, line 24 discussing the problem caused by duplex printing that providing the print controller 30 for direct memory access (DMA) is intended to cure. If the PTO is to continue to suggest that the opposite is true, it is called upon to explain where in Plakosh it has found such teachings. *See In re Rijckaert*, 9 F. 3d 1531, 1533, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (“When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference.”).

In any event, this DMA performing print controller 30 is similar to the DMA described at col. 3, lines 27-32, in that the data being accessed must still be in a “particular” order with respect to the contiguous addresses of stored data, described as the data sets 12 and 14 for front and rear side printing at col. 4, lines 31-48. While the data at addresses 14 will be “rotated,” rotation simply reverses order, it does not perform the required function of the Claim 6 “linking controller” in terms of linking “the plurality of data from the store into the arbitrary desired data order selected by the selection device to form a data group for performing an operation” (emphasis added) or the similar steps of Claim 14.

Accordingly, it is respectfully submitted that the subject matter of independent Claims 6 and 14 clearly patentably defines over the teachings and suggestions found in Plakosh.

As Claims 7-9 all ultimately depend on Claim 6 and Claims 13-17 all ultimately depend on Claim 14, these dependent claims are respectfully submitted to patentably define over Plakosh for the same reasons noted above as to independent parent Claims 6 and 14.

The present amendment also sets for the new Claims 18-35 for examination on the merits. New independent Claim 18 is directed to a method of printing data files using an image printing device, including the steps of: (1) storing data files in a storage device associated with the image printing device; (2) selecting, in an arbitrary order, a plurality of the data files stored in the storage device; (3) selecting a start command; and (4) printing the selected plurality of data files as a single job according to the selected at least one print condition, wherein the plurality of data files are printed in the selected order. New Claim 18 is supported by the originally filed specification and does not add new matter.¹ Independent Claims 24 and 30 recite limitations analogous to the limitations recited in Claim 18 and are supported by the originally filed specification in an analogous manner. Moreover, for the reasons stated above regarding Claims 6-17, Applicants respectfully submit that new Claims 18-35 patentably define over the Plakosh reference.

¹ See, e.g., Figures 4 and 6; page 7, line 20 to page 8, line 6; and page 9, line 4 to page 10, line 13 of the specification.

As no further issues are believed to remain outstanding in the present application, it is believed that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

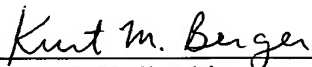
Respectfully submitted,

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